

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

GRUPO AEROMEXICO, S.A.B. de C.V., *et al.*,

Debtors.

Chapter 11

Case No. 20-11563 (JPM)

(Jointly Administered)

INVICTUS GLOBAL MANAGEMENT LLC,

Plaintiff,

Case No. 22-01122 (JPM)

- against -

MONOMOY CAPITAL PARTNERS LLC,
and SINDICATO NACIONAL DE
TRABAJADORES AL SERVICIO DE LAS
LÍNEAS AÉREAS, TRANSPORTES,
SERVICIOS, SIMILARES, Y CONEXOS,

Defendants.

[PROPOSED] ORDER DISMISSING THE COMPLAINT

Upon Defendant Monomoy Capital Partners LLC's Motion to Dismiss the Complaint (the "Motion to Dismiss") in the above-captioned adversary proceeding, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable in adversary proceedings by Federal Rule of Bankruptcy Procedure 7012(b) (the "Bankruptcy Rules"); and the Court having considered the Motion to Dismiss; and notice of the Motion to Dismiss having been given in accordance with the Bankruptcy Rules and the Local Bankruptcy Rules for the Southern District of New York; and it appearing that no other or further notice need be provided; and after due deliberation and sufficient cause appearing therefor:

IT IS HEREBY FOUND AND ORDERED THAT:

1. The Complaint fails to state a claim upon which relief may be granted.
2. The Motion to Dismiss is GRANTED as set forth herein.
3. The above-captioned adversary complaint is dismissed in its entirety as to Defendant Monomoy Capital Partners LLC.

Dated: _____, 2022
New York, New York

HONORABLE JOHN P. MASTANDO III
UNITED STATES BANKRUPTCY JUDGE